

Notice of Allowability	Application No.	Applicant(s)	
	10/774,708	BEAMAN, KENNETH	
	Examiner	Art Unit	
	Zachary Skelding	1644	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to September 8, 2006 and December 20, 2006.
2. ☒ The allowed claim(s) is/are 16 and 123-125.
3. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 - a) ☐ All b) ☐ Some* c) ☐ None of the:
 1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

* Certified copies not received: _____.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.
THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

4. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
 5. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
 - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
 - 1) ☐ hereto or 2) ☐ to Paper No./Mail Date _____.
 - (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date _____.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
6. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

- | | |
|--|---|
| <ol style="list-style-type: none"> 1. <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) 2. <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) 3. <input type="checkbox"/> Information Disclosure Statements (PTO/SB/08),
Paper No./Mail Date _____ 4. <input type="checkbox"/> Examiner's Comment Regarding Requirement for Deposit
of Biological Material | <ol style="list-style-type: none"> 5. <input type="checkbox"/> Notice of Informal Patent Application 6. <input checked="" type="checkbox"/> Interview Summary (PTO-413),
Paper No./Mail Date <u>herewith</u> . 7. <input checked="" type="checkbox"/> Examiner's Amendment/Comment 8. <input checked="" type="checkbox"/> Examiner's Statement of Reasons for Allowance 9. <input type="checkbox"/> Other _____. |
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DETAILED ACTION

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office Action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on April 14, 2006 has been entered.
2. Applicant's amendment to the claims filed September 8, 2006, has been entered.
 - Claims 1-6, 15, 34 and 35 have been canceled.
 - Claim 16 has been amended.
 - Claims 123-125 have been added.
 - Claims 7-14, 16-33 and 36-125 are pending.
 - Claims 7-14, 17-33 and 36-122 have been withdrawn as being directed to a non-elected invention.

EXAMINER'S AMENDMENT

3. An Examiner's Amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 C.F.R. § 1.312. To ensure consideration of such an amendment, it **MUST** be submitted no later than the payment of the Issue Fee.
4. Authorization for this Examiner's Amendment was given in a telephone interview with Joseph Fuchs on December 20, 2006. Note that the invention currently under examination was elected *without* traverse.
5. **Cancel currently withdrawn claims 7-14, 17-33 and 36-122.**
6. **Replace the title with the following:**
**-- METHODS FOR INDUCING APOPTOSIS IN OVARIAN CARCINOMA CELLS
USING AN ANTI-REGENERATION AND TOLERANCE FACTOR ANTIBODY --**
7. **On page 3, line 27 of the specification insert – A-B – after “FIG. 3”.**
8. **On page 12, line 6 of the specification insert – ® – after the word “COULTER”.**

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REASONS FOR ALLOWANCE

9. The following is an Examiner's Statement of Reasons for Allowance:

Applicant's amendment to the claims and arguments have obviated the previous rejections of record. The instant methods of inducing apoptosis in an ovarian carcinoma cell/treating ovarian carcinoma with an anti-Regeneration and Tolerance Factor antibody appear to be free of the prior art. *Accordingly the instant claims are deemed allowable.*

The following prior art is considered pertinent to applicant's claimed invention but has not been relied upon in a rejection: Aslakson et al. (Am J Hematol. 1999 May;61(1):46-52, cited herewith). This references teaches that B-cell tumors express Regeneration and Tolerance Factor and that anti-Regeneration and Tolerance Factor antibody is useful in treating such tumors (see, in particular Abstract, page 46). However, the prior art does not appear to teach or suggest the expression of Regeneration and Tolerance Factor on ovarian carcinoma cells.

10. Any comments considered necessary by applicant must be submitted no later than the payment of the Issue Fee and, to avoid processing delays, should preferably **accompany** the Issue Fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."
11. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Zachary Skelding whose telephone number is 571-272-9033. The examiner can normally be reached on Monday - Friday 8:00 a.m. - 5:00 p.m.
If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Christina Chan can be reached on 571-272-0841. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.
Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Zachary Skelding, Ph.D.
Patent Examiner
December 212006

Phillip Gander
PHILLIP GANDER, PH.D.
PRIMARY EXAMINER

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12/21/06